

REMARKS

This Amendment is in response to the Office Action dated January 21, 2005. Claim 15 has been canceled without prejudice, claims 1, 3, 4, 8, 11, 12, 16, and 19-22 have been amended, and claims 23 and 24 have been added. Claims 1-14 and 16-24 are currently pending in this application. No new matter has been added by any of these amendments. The amendments to claims 3, 4, 11, and 12 should in no way be considered to narrow the independent claims (claims 1 and 8) from which these claims depend.

§102 and §103 Rejections

Claims 1-9, 14-15, 19-20, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,223,291 to Puhl et al. ("Puhl"). Claims 10-12 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Puhl in view of "Wireless Application Protocol Public Key Infrastructure Definition" ("WAP"). Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Puhl. Claims 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Puhl in view of U.S. Patent No. 6,557,105 to Tardo et al. ("Tardo"). The Applicants traverse these rejections.

Independent claims 1 and 22 have been amended to recite that "the digitally signed license comprises an extension field that includes a Universal Resource Locator (URL) to a network site that provides at least one license restriction or license right." None of the cited references teach or suggest a digitally signed license that includes a URL to a network site for obtaining a license restriction or right. For at least this reason, claims 1 and 22, as well as dependent claims 2-7, are patentable over the cited art. The Applicants respectfully request withdrawal of the rejection of these claims.

Independent claim 8 has been amended somewhat differently to recite that "the digitally signed license comprises an extension field that includes a Universal Resource Locator (URL) to a network site that provides at least one additional license restriction or additional license right." None of the references teach or suggest a digitally signed license that includes a URL to obtain an additional license right or license restriction. For at least this reason, claim 8, as well as dependent claims 9-14, are patentable over the cited art. The Applicants respectfully request withdrawal of the rejections of these claims.

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Independent claim 16 has been amended to include all of the elements of original claim 15, as well as to indicate that the digitally signed license is received by the software distribution server from the client computer. As indicated in the Office Action, Puhl does not teach or suggest this element. The Office Action then turned to Tardo to supply the missing element. The Applicants submit that Tardo does not teach or suggest claim 16 as amended. In particular, the digitally signed license is not provided by the client computer in Tardo; but rather by the Licensing Authority or License Verification Module, neither of which is or resides on the client computer. (See Figure 1, Col. 5, lines 52-57, and Col. 7, lines 40-55.) For at least this reason, claim 16, as well as dependent claims 17-21, are patentable over the cited art. The Applicants respectfully request withdrawal of the rejections of these claims.

In addition, claims 3, 4, and 11 have been amended to remove elements that have been indicated in the Office Action as residing in the references. The cited references do not teach or suggest the amended claims. Accordingly, for at least these additional reasons, claims 3, 4, and 11 are patentable over the cited references and the Applicants request withdrawal of the rejections of these claims.

By the foregoing explanations, Applicants believe that this response has responded fully to all of the concerns expressed in the Office Action, and believe that it has placed each of the pending claims in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

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Respectfully submitted,

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